

Orrick Docket No.: 701470.4084

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Louis J. Barbato

Serial No.: 10/690,948

Filed: October 21, 2003

For: Electronically Scanned Optical Coherence

Tomography with Frequency Modulated

Signals

Group Art Unit: not yet assigned

Examiner: Not yet assigned

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Non-Fee Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449 and copies are enclosed for the convenience of the Examiner.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR §

CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 23, 2003 Date of Deposit DOCSOC1:145915.1

Sally Hartwell

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		efore the mailing of a first Office action on the merits; or (4) before the mailing of a first fter filing a request for continued examination under § 1.114. Thus, no fee is required.					
	X	However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR §1.17(p) to the deposit account referenced below.					
		However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.					
on the : § 1.311	This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR						
		The fee due under 37 CFR § 1.17(p) is submitted herewith.					
		A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.					
-	or a No	OS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR otice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A ser 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted					
_		STATEMENT UNDER 37 CFR § 1.97(e):					
	Each it	em contained in this IDS was first cited in any communication from a foreign patent office					
in a co	unterpar	t foreign application not more than three months prior to the filing of this IDS.					
	No iter	n contained in this IDS was cited in a communication from a foreign patent office in a					
counte	rpart for	eign application, and, to the knowledge of the person signing this statement after making					
reason	able inq	uiry, no item of information contained in this IDS was known to any individual designated					
in 37 C	CFR § 1.	56(c) more than three months prior to the filing of this IDS.					

Patent

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PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

A check in the amount of _____ is enclosed for the above fee(s).

Please charge _____ to Deposit Account No. 15-0665 for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Orrick, Herrington & Sutcliffe's Deposit Account No. 15-0665.

Respectfully submitted, Orrick, Herrington & Sutcliffe LLP

Dated: December 23, 2003

By:

Reg. No. 51,957

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	STATEMENT E	BY APPLICAN	T .	First Named Inventor	Louis J. Barbato	
r.				Group Art Unit	not yet assigned	
PORADEMARY	(use as many she	ets as necessary)		Examiner Name	not yet assigned	
Sheet	1	of	1	Attorney Docket Number	701470.4084	

				U.S. PATENT DOCUMEN	TS	
Examiner Initials	Cite No.1	U.S. Patent Number	Document Kind Code ²	Name of Patentee or Applicant of Cited Document	Date of Publications of Cited Documents MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	4,805,627		Klingenbeck et al.	2/21/1989	
	2.	5,363,849		Suorsa et al.	11/15/1994	
	3.	5,453,575		O'Donnell et al.	9/26/1995	
	4.	5,640,960		Jones et al.	6/24/1997	
	5.	5,752,518		McGee et al.	5/19/1998	
	6.	5,994,690		Kulkarni, et al.	11/30/1999	
	7.	6,152,977		D'Evelyn	11/28/2000	
	8.	6,390,982		Bova et al.	5/21/2002	
	9.	6,491,647		Bridger et al.	12/10/2002	
	10.	6,611,339		Yang et al.	8/26/2003	
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				FC	DREIGN PATENT DOCUMENTS	3		
Examiner Initials	Cite No. ¹	Fore Office ³	eign Patent Doc Number ⁴	ument Kind Code⁵	Name of Patentee or Applicant of Cited Document	Date of Publications of Cited Documents MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T⁵

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS							
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Examiner	DOCSOC1:145864.1	Date	
Signature		Considered	

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^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.)). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent documents. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.